

S.B. CIVIL WRIT PETITION NO. 3987/2007.

(SMT. CHANDA DEVI VS. LRs OF SUNDER)

DATE OF ORDER : 10.09.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. P.S. Dahiya for the petitioner.

By this petition for writ, a direction is sought for Halka Patwari for mutation of land in question in name of petitioner Smt. Chanda Devi.

It is stated that Smt. Chanda Devi purchased a piece of land somewhere in the year 1978 from one Sunder @ Sundariya. Shri Sunder died on 04.07.1988, but prior to that no sale deed was executed and, therefore, a suit was preferred, that came to be rejected by the Civil Judge, Hanumangarh on 03.03.1994. An appeal preferred giving challenge to that also came to be rejected on 27.03.1997. A second appeal preferred by the petitioner was also dismissed on 28.10.2004. The petitioner thereafter preferred a suit claiming title over the land on basis of her adverse possession and that suit is said to be pending before Assistant Collector, Hanumangarh. In the meanwhile, according to the petitioner, the Halka Patwari and Tehsildar made a mutation of the land in favour of the legal representatives of Sunder @ Sundariya. It is alleged by counsel for the petitioner that mutation of land in favour of legal

representatives of Sunder is arbitrary and in violation of Article 14 of the Constitution of India.

The petitioner has already raised his grievance claiming title over the land by way of filing a suit and that suit is said to be pending before Assistant Collector, Hanumangarh, therefore, no interference is warranted under Article 227 of the Constitution of India.

The writ petition is accordingly dismissed.

(GOVIND MATHUR)J.

Anil/